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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of State Police
<b>Virginia Administrative Code (VAC) citation</b>	19 VAC 30 -190-10 through 140
<b>Regulation title</b>	Regulations Relating To The Issuance Of Nonresident Concealed Handgun Carry Permits
<b>Action title</b>	Promulgate nonresident concealed handgun carry permit regulations
<b>Document preparation date</b>	January 1, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

Promulgate new regulations relating to the application for, processing of, and issuance of non-resident concealed handgun carry permits.

**Legal basis**

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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The legal authority to promulgate these regulations may be found at § 18.2-308(P1) of the *Code of Virginia*

**Purpose**

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.*

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The purpose of these regulations is to establish procedures for the application process, screening, and issuance of nonresident concealed handgun carry permits.

**Substance**

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)*

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The proposed new regulation details the requirements for completing the application for a nonresident concealed handgun carry permit and the materials that must be provided with that application. They mandate the forms and enclosures, picture size and description, and fingerprint submission criteria. The proposed regulation also includes the required form for the application.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*  
2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*  
3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

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This regulation will not involve citizens of the Commonwealth as it implements provisions of the Code of Virginia that allow non-residents to obtain permits. Those out of state individuals will be required to undergo background screening and pay a fee in order to obtain a permit to carry a

concealed weapon in Virginia. The advantages to the agency are uniform procedures although the cost authorized by Code will not cover cost incurred even if the maximum amount allowed by Code is charged.

**Economic impact**

*Please identify the anticipated economic impact of the proposed regulation.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b>	The actual 6 month cost to Agency was \$25,503.00 (on-going cost) Net funds received during that six month period from permit fees was \$16, 068 (\$41,200 in permit fees less \$15,244 for FBI checks and \$9,888 for state background check costs to agency)
<b>Projected cost of the regulation on localities</b>	None
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	Non- Virginia residents seeking a non-resident concealed carry permit
<b>Agency’s best estimate of the number of such entities that will be affected</b>	Unknown – rate of monthly applications vary
<b>Projected cost of the regulation for affected individuals, businesses, or other entities</b>	Cost is currently capped at the statutory \$100 which does not cover costs related to processing and issuance.

**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

Statutory mandate, no alternative was considered

**Public comment**

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

No public comment was received during the NOIRA

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
None		

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

None

**Detail of changes**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulations, use this chart:

Not Applicable

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

Enter any other statement here